GPN-J-332-ARHCB-8_94-13,10,500-ALA4.
SPL.H.C.A.S.C.D. 79e.

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE.
REVIEW PETITION NO. 105 OF 2004

IN
WRIT PETITION NO. 3568 OF 2001

Office Notes, Office Memorada orders or directions and Registrar's orders.	Court's or Judge's Orders.
	Shri A.V.Anturkar for the petitioner. Shri R.M.Patne AGP for the State. Shri S.R.Page for Respondent 2. Shri R.S.Apte for Respondent 1.

CORAM; V.G. PALSHIKAR &
V.M. KANADE, JJ.

DTAED; 11TH MARCH, 2005.

P.C.

1. By this petition review of our order dated 28-7-2004 is sought.

2. The error apparent on he face of record, according to the petitioner, is that in view of our finding in para 7 that there is no inconsistency between the 1998 order and 1994 circular, the circular is deemed to have been suffered by the repelling clauses

or suffered clauses contained in Rule 8 of 1998 rules. What has been suffered by this rule is any action taken in 1990 order or circular of 1994. Issuance of a fresh notification under a fresh order would therefore be assailed on the ground that the order or circular issued in 1994 survives because of the suffering clause. All that has been suffered by the suffering clause Rule 8 is actions taken and not the circular issued. Issuance of circular is an action of subordinate legislation. Under that circular whatever action has been taken is what has been suffered and not the circular itself. The petitioner therefore will not be entitled to claim any benefit under the circular and there is no error in our judgment sought to be reviewed. Review petition is therefore dismissed.

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